

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR NO. 2:06CR148-WHA
)	
BENJAMIN L. VANBUREN)	

ORDER

This cause is currently pending before the court on a Motion to Continue filed by the defendant, BENJAMIN L. VANBUREN, on September 27, 2006. The motion seeks a continuance of the trial currently set for October 24, 2006. The undersigned magistrate judge has conferred with United States District Judge W. Harold Albritton concerning the motion for continuance.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Warren, 772 F.2d 827, 838 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. § 3161(c)(1). See United States v. Vasser, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the

best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A). The court concludes upon the pleadings and its knowledge of this case that the ends of justice will be served by continuing this case so that the motion to suppress may be resolved and counsel may discuss resolution of this case and/or prepare adequately for trial.

Accordingly, it is ORDERED that the Motion to Continue filed by defendant BENJAMIN L. VANBUREN be and hereby is GRANTED. This case is continued until the criminal term beginning January 8, 2007.

DONE, this 6th day of October, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE